

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

NIPPON SHINYAKU CO., LTD.,	)
	)
Plaintiff,	)
	)
v.	) C.A. No. 21-1015 (GBW)
	)
SAREPTA THERAPEUTICS, INC.,	)
	)
Defendant.	)
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SAREPTA THERAPEUTICS, INC. and THE	)
UNIVERSITY OF WESTERN AUSTRALIA,	)
	)
Defendant/Counter-Plaintiffs,	)
	)
v.	)
	)
NIPPON SHINYAKU CO., LTD.	)
and NS PHARMA, INC.	)
	)
Plaintiff/Counter-Defendants.	)

**STIPULATION AND [PROPOSED] ORDER REGARDING  
PLEADINGS DEADLINES AND EXTENDING DEADLINES FOR EXPERT REPORTS**

WHEREAS, on August 14, 2023 (*see* D.I. 317), the Court granted both Nippon Shinyaku Co., Ltd. and NS Pharma, Inc.’s (collectively, “NS”) Motion for Leave to File an Amended Answer to Sarepta Therapeutics, Inc.’s Counterclaim and New Counterclaims (D.I. 177) (“NS’s Amended Answer to Sarepta’s Counterclaims”) and Sarepta Therapeutics, Inc.’s Motion for Leave to File a Second Amended Answer, Defenses, and Counterclaims to Nippon Shinyaku Co., Ltd.’s Second Amended Complaint (D.I. 272) (“Sarepta’s Second Amended Counterclaims”);

WHEREAS, NS’s Amended Answer to Sarepta’s Counterclaims and Sarepta’s Second Amended Counterclaims were docketed on the same day (*see* D.I. 324, 328);

WHEREAS, NS's Amended Answer to Sarepta's Counterclaims responds to a superseded pleading (D.I. 89);

WHEREAS, the parties previously stipulated to extend the deadlines to respond to NS's Amended Answer to Sarepta's Counterclaims and Sarepta's Second Amended Counterclaims to September 1, 2023 (D.I. 340);

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the parties, subject to the approval of the Court, that:

1. NS shall file its response, including the counterclaims it was granted leave to file, to Sarepta's Second Amended Counterclaims (D.I. 328) ("NS's Counterclaims") on September 1, 2023.
2. Sarepta shall file its response to NS's Counterclaims on September 5, 2023.
3. NS's Amended Answer to Sarepta's Counterclaims (D.I. 324) is moot.
4. The parties further agree to extend the deadlines for expert reports as follows:

EVENT	CURRENT DATE (D.I. 269)	AMENDED DATE
Opening Expert Reports (¶ 4f)	September 5, 2023	September 8, 2023
Rebuttal Expert Reports (¶ 4f)	October 2, 2023	October 5, 2023
Reply Expert Reports (¶ 4f)	October 23, 2023	October 24, 2023
Close of Expert Discovery (¶ 4f)	November 20, 2023	November 20, 2023 (no change)

No other deadlines are altered by this stipulation.

MORGAN, LEWIS & BOCKIUS LLP

*/s/ Amy M. Dudash*

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August 31, 2023

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

*/s/ Megan E. Dellinger*

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*Attorneys for Defendants and Counter-  
Plaintiffs Sarepta Therapeutics, Inc. and  
The University of Western Australia*

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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The Honorable Gregory B. Williams  
United States District Court Judge